



March 13, 2007

Applicant: Benton F. Baugh  
Application No.: 09/934,345  
Filed: August 22, 2001  
For: THRUSTER FLOOD CONTROL METHOD

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Subject: RENEWED PETITION UNDER 37 CFR 1.137(b)

Attention: Karen Creasy, Petitions Examiner, Office of Petitions

I find it interesting that an application became abandoned because non-reply to a Notice to file Missing Parts of Non-provisional application (Notice) of October 1, 2001, which was not sent to me. Then a Notice of Abandonment was mailed on October 23, 2003, which was not actually mailed because you had no address to mail it to.

I have no problem that I made a mistake on the original application by not filing a Declaration, which would have had the address on it. What I did send was a post card which had the address on it, and I received it back with the application number stamped on it, so I knew you had it. I knew you had it and knew that you had not indicated any problems back to me. I logged it onto my list of patent applications and simply waited for the response. I finally started calling and found out that it had been abandoned.

I am aware that some patents take longer to process than others, and I considered this to be a hard concept patent, so was not surprised it took a while to get a response.

You have indicated that the delay has not been shown to be satisfaction of the Director to be unintentional for periods 1 and 2.

Period 1: Appears to be the entire time from the initial abandonment to the present time. This statement implies that I knew of the abandonment to have intentionally delayed the attempt to revive the patent. The best way I know of to demonstrate that I did not know that the application was abandoned to have intentionally delayed the revival would be what I have done in the meantime to pursue the invention. If I knew the application was abandoned and spend money developing the idea, it would not make sense.

Some of my activities since the "abandonment":

1. I have maintained a web page on the subject, which I paid employees to develop for me. Click on [www.stoptheflood.com](http://www.stoptheflood.com) and you will see the presentation.

2. I have sponsored a senior project at the University of Houston to study the topic.
3. I have been on local television promoting the idea
4. I have spent over \$100,000 (not a misprint) building a model of downtown Houston to show the flooding of the Allison Storm and how the thruster system would be able to stop the flooding
5. I have made presentations to local neighborhood groups, Director of the Harris County Flood Control District, the Dean of Engineering of the University of Houston, and the Mayor of Houston promoting the concept.

It would be sheer insanity to make the commitment required to make these activities happen, if you knew the patent was abandoned. You can validation on most of these checking the website, but if you need additional information, let me know. I have attached a CD which includes most of the information along with information on how to stop the Houston Medical Center from flooding. We have made and distributed 100s of these.

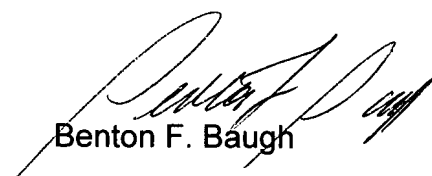
Period 2: "a protracted delay in seeking a revival requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay". The entire period of the delay was without knowledge that the abandonment had happened. The items demonstrated under Period 1 above are not the actions of a person who is knowledgeable of a delay. When I became concerned about the delay in getting a response and started to investigate, I promptly filed an application revival without delay.

You stated that "any protracted delay (here, over 4 years) could trigger, as here, a request for additional information". You intended that statement for the patent office, but the same applied to me. After a protracted delay in communication from the patent office, I started seeking information and learned of the abandonment.

I want to certify to you that at no time in the past 4 years did I know the application had been abandoned and at no time in the past 4 years have I stopped pursuing the invention. I am not trying to get the application revived because of some new found market acceptance. I still have no commercial prospects for the concept.

I appreciate your consideration of this and look forward to a favorable reply.

Regards,

  
Benton F. Baugh

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